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OFFICE OF PETITIONS

In re Application of Deluise et al.	:	
Application No. 10/747,901	:	Decision on Petition
Filing Date: December 30, 2003	:	
Attorney Docket No. LRU-103	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 17, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed March 7, 2005. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, this application became abandoned on June 8, 2005. A Notice of Abandonment was mailed on September 21, 2005.

The instant petition requests revival of the application.

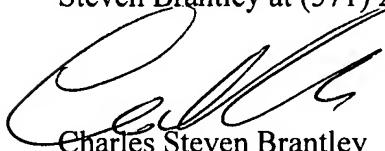
Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The petition is signed by John Benefiel. Benefiel was not an attorney or agent of record at the time the application became abandoned. Therefore, it appears that Benefiel was not in a position to have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by Benefiel that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.¹ In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Technology Center Art Unit 3764 will be informed of the instant decision and the examiner will consider the January 17, 2006 amendment in due course.

¹ See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is written over the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions